1 CHARLES F. PREUSS (State Bar No. 45783) BRENDA N. BUONAIÙTO (State Bar No. 173919) 2 DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor 3 San Francisco, California 94105 Telephone: (415) 591-7500 Facsimile: (415) 591-7510 4 5 Attorneys for Defendants

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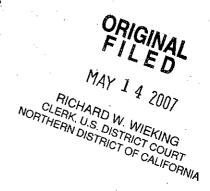
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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

MELONEY WRIGHT and DONNY WRIGHT, wife and husband; DANYELE BACON, a single woman; DÍANA BURK, a single woman; TIMA LEIPHART, a single woman; NUBIA FLORES, a single woman; MOLLY KIRKPATRICK, a single woman; REYNALDA ALVARADO, a single woman; GAYLE ANDERSON, a single woman; VERONIQUE PETERS and DONNY PETERS, wife and husband: LAKEYA BASKOM, a single woman; TIFFANY LILLIE, a single woman; and LORRAINE FONTANILLA-WEBBER, on behalf of her minor daughter, ASHLEY WEBBER.

Plaintiffs,

ORTHO-MCNEIL CORPORATION, a foreign corporation; JOHNSON & JOHNSON, a foreign corporation; JOHNSON & JOHNSON SERVICES INC., a foreign corporation; JOHNSON & JOHNSON HEALTH CARE SYSTEMS, INC., a foreign corporation; JOHNSON & JOHNSON RESEARCH & DEVELOPMENT, L.L.C., a foreign corporation; JOHNSON & JOHNSON CONSUMER COMPANIES INC., a foreign corporation; MCKESSON CORPORATION, a Delaware corporation; ALZA CORPORÁTION, a California

2541 DECLARATION OF BRENDA N. **BUONAIUTO IN SUPPORT OF** NOTICE OF REMOVAL AND **REMOVAL OF ACTION UNDER 28 U.S.C.** § 1441(b) [DIVERSITY]

DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105

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DRINKER BIDDLE & REATH LLP 50 Fremont Street, 20th Floor San Francisco, CA 94105 corporation aka ALZA DEVELOPMENT aka ALZA INTERNATIONAL, INC., and DOES 1-50,

Defendants.

I, Brenda N. Buonaiuto, declare:

- 1. I am an attorney admitted to practice before all courts of the State of California and am Counsel with Drinker Biddle & Reath, LLP, attorneys for defendants in this action. I make this Declaration based on my personal knowledge, in support of defendants' removal of *Meloney Wright, et al. v. Ortho-McNeil Corporation, et al.*, Case Number CGC-07-460481, to this Court. I would and could competently testify to the matters stated in this Declaration if called as a witness.
- 2. A true and accurate copy of the Complaint in this action is attached as **Exhibit A**. The Complaint is the only state court pleading known to defendants to have been filed in this action.
- 3. All defendants were served with the Summons and Complaint in this action, via their respective registered agents, on April 12, 2007.
- 4. Defendant Ortho-McNeil Pharmaceutical, Inc. was and is a corporation existing under the laws of the State of Delaware, with its principal place of business in New Jersey. OMP is a subsidiary of defendant Johnson & Johnson.
- 5. Defendants Johnson & Johnson & Johnson & Johnson Services, Inc., Johnson & Johnson Health Care Systems, Inc., and Johnson & Johnson Consumer Companies, Inc. were and are corporations existing under the laws of the State of New Jersey, with their principal places of business in New Jersey.
- 6. Defendant Johnson & Johnson Pharmaceutical Research & Development, L.L.C. was and is a limited liability company existing under the laws of the State of New Jersey, with its principal place of business in New Jersey.
- 7. Defendant Alza Corporation was and is a Delaware corporation, with its principal place of business in Mountain View, California. Alza is a subsidiary of

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defend	ant Johnsor	ı & Johnson	and is a se	parate and	distinct	entity f	rom J&J	subsidiary
OMP.	Alza conse	nts to the re	moval of th	is action t	o this Co	urt.		

- 8. Defendant McKesson Corporation is a non-exclusive distributor of Ortho Evra®. McKesson consents to the removal of this action to this Court.
- 9. Defendants will file a notice of the filing of this Notice of Removal and Removal in the San Francisco County Superior Court and will serve plaintiffs' counsel with a copy.
- 10. On March 1, 2006, the Judicial Panel on Multidistrict Litigation ("JPML") created MDL 1742, In re: Ortho Evra Products Liability Litigation, ruling that all federal actions involving allegations of injury or death from use of the prescription drug Ortho Evra® be centralized for pre-trial purposes in the United States District Court for the Northern District of Ohio, before the Honorable David A. Katz, Case Number 1:06-CV-40000-DAK. To date, over 400 cases have been transferred to MDL 1742, and transfers of additional "tag-along" actions are pending.
- Attached as Exhibit B is a true and accurate copy of the Declaration of 11. Greg Yonko, Senior Vice President – Purchasing, McKesson Corporation, filed in Abel, Theresa, et al. v. Ortho-McNeil Pharmaceutical, Inc., et al., United States District Court, Northern District of California, Case No. C 06 7551 SBA, on December 8, 2006.
- 12. Attached as Exhibit C is a true and accurate copy of the Slip Opinion in In re PPA Products Liability Litigation, MDL No. 1407, Docket No. C02-423R (W.D. Wash. Nov. 27, 2002).
- Attached as Exhibit D is a true and accurate copy of the Slip Opinion 13. denying the plaintiffs' motion to remand in Barlow, et al. v. Warner-Lambert Co., et al., Case No. CV 03-1647-R(RZx), in the United States District Court for the Central District of California (Western Division), dated April 28, 2003.
- Attached as Exhibit E is a true and accurate copy of the Slip Opinion denying the plaintiffs' motion to remand in Skinner, et al. v. Warner-Lambert Co., et al., Case No. CV 03-1643-R(RZx), in the United States District Court for the Central District

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of Califo	ornia (W	/estern	Division), (lated	April	28,	2003	,

15. I have reviewed reports of verdicts and settlements in cases in this judicial district, in actions claiming death from the use of prescription drugs or medical devices. Based on that review, it is reasonably believed that if plaintiffs succeeded in proving their allegations in this action, they would each would recover in excess of \$75,000, exclusive of interest and costs. Plaintiffs in the Ortho Evra® MDL have specifically alleged that the amount in controversy in their respective actions exceeds \$75,000, exclusive of interest and costs.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on May 14, 2007.

Brenda N. Buonaiuto